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December 16, 2014

By ECF

Hon. Vincent L. Briccetti
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas Street, Room 630
White Plains, New York 10601-4150

Re: *Triboro Quilt Manu. Corp. v. Luve LLC*, Case No. 10-CV-3604(VB)

Dear Judge Briccetti:

We represent plaintiff Triboro Quilt Manufacturing Corp. in the above-referenced matter against defendant Luve LLC, which is scheduled for trial before Your Honor on January 5, 2014. We write in advance of the pretrial conference on Friday, December 19, 2014, because Luve has commenced a new action against Triboro in the Northern District of Texas (the “Texas Action”) related to the same subject matter as this action (the “New York Action”). Therefore, we respectfully request a continuance of the trial so that we can move to have the Texas Action transferred to this Court and consolidated with this case.

We learned yesterday that on Sunday, December 14, 2014, Luve commenced, but has not yet served, the Texas Action asserting a claim for copyright infringement stemming directly from the Triboro’s use of certain works as contemplated by the parties’ exclusive licensing agreement (the “ELA”), which agreement is the subject of the New York Action. As Triboro is seeking a declaratory judgment in the New York Action that the ELA is still valid and pending, the Texas Action is intrinsically intertwined with the New York Action.

After Triboro is served with the Complaint, it will seek to have the Texas Action transferred to this Court under 28 U.S.C. § 1404 and for *forum non conveniens* because it is related to the New York Action, for the convenience of the parties, and because there would be no personal jurisdiction over Triboro in Texas. As the issues of these two cases are clearly related, for judicial economy and to minimize legal fees, these cases should be litigated together.

Accordingly, the trial should be postponed so Triboro can have the Texas Action transferred to New York and then litigated appropriately.

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We are available to discuss this issue with the Court at the pretrial conference on December 19 at 12 noon.

Respectfully submitted,

YANKWITT LLP

By: /s/
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cc: All Counsel of Record (by ECF)